



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,008	07/27/2001	Augustine S. Samba	74161/12514	9948
23380	7590	06/24/2005	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	
DATE MAILED: 06/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/917,008

Applicant(s)

SAMBA ET AL.

Examiner

Bob A. Phunkulh

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 9-14, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Yedidia et al. (US 6,564,243).

Regarding claim 1, Yedidia discloses a data communication system comprising:  
at least one data communication device, each data communication device having  
a client application (the plurality of clients 12, see figures 1-2);

a subnet (subnet 20, see figures 1-2) comprised of:

at least one managed IP server for providing data to said at least one data  
communication device (the hosted server 26 or DNS 20 or e-mail server 25 or  
content infector, see figure 2); and

at least one gateway router for receiving data into the subnet, transmitting  
data out of the subnet, and distributing data to said at least one managed IP  
server (the access device and router 30, see figures 1-2),  
wherein said client application redirects data to said subnet.

Regarding claim 2, Yedidia discloses the at least one managed IP server processes data at an IP layer (see col. 4 lines 59-67).

Regarding claim 3, Yedidia discloses the data is a datagram (UDP, see col. 6 lines 24-30; and col. 10 lines 28-36).

Regarding claim 6, Yedidia discloses the at least one managed IP server includes a cache for storing data (the e-mail server 25 or hosted server 26 includes a cache for storing data, see figures 1-2).

Regarding claim 9, Yedidia discloses the at least one managed IP server obtains data from a destination host site, and subsequently transfers the data obtained from the destination host site to said at least one data communication device (the localized or external content are deliver to the user, see col. 2 lines 19-34).

Regarding claim 10, Yedidia discloses a method of accessing data in a data communication system including:

at least one data communication device (the plurality of client 12, see figures 1-2), each data communication device having a client application; a subnet comprised of: at least one managed IP server (hosted servers 26) for providing data to said at least one data communication device; and at least one gateway router (the router 30 or content injector 40, see figure 2) for receiving data into the subnet, transmitting data out

Art Unit: 2661

of the subnet, and distributing data to said at least one managed IP server, wherein said client application redirects data to said subnet, said method comprising the steps of:

intercepting a request for data by the data communication device at the client application (see col. 2 lines 28-30);

transmitting the request for data from the client application to the subnet (see col. 2 lines 20-24);

receiving the request for data at one of said at least one gateway routers;

directing the request for data to one of said at least one managed IP servers (E-mail server 25 or hosted servers 26, see figures 1-2), wherein the managed IP server obtains requested data in response to the request for data; and

transmitting the requested data from the managed IP server to the client application.

Regarding claim 11, Yedidia discloses the managed IP server obtains the requested data from at least one destination host site (see col. 2 lines 19-34).

Regarding claim 12, Yedidia discloses the managed IP server obtains the requested data from an associated cache (see col. 2 lines 19-34).

Regarding claim 13, Yedidia discloses the at least one managed IP servers processes data at an IP layer (see col. 5 lines 38-61).

Regarding claim 14, Yedidia discloses the data is a datagram (UDP, see col. 6 lines 24-30; and col. 10 lines 28-36).

Regarding claim 17, Yedidia discloses the request for data includes a header portion and a data portion, said gateway router decoupling the data portion from the header portion (the content injector is able to analyze a client request, see col. 6 lines 14-24).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being obvious over Yedidia.

Regarding claims 4 and 5, Yedidia fails to explicitly disclose each of said at least one managed IP servers is specialized for operating on different types of datagrams i.e. HTML, HTTP, JPEG, GIF.

Yedidia discloses in col. 5 lines 57-61, contents may be any form including text, web pages, graphics, audio, or video, or files.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made cause the hosted servers 26 to specialized for operating of different types of datagrams in order to process the requested data

(contents) more efficiently and faster.

Claims 7-8, 15-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yedidia in view of Alkhatib (US 6,119,171).

Regarding claim 7-8, 15-16, Yedidia fails to disclose that the data transmitted between said at least one data communication device and said subnet is compressed and encrypted.

Alkhatib, on the other hand, discloses the data packet transmitted between said at least one data communication device (host in LAN network) and said subnet (router in LAN network) is compressed and encrypted (see col. 6 lines 36-45, and col. 6 line 59 to col. 7 line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the teaching of Alkhatib especially compressing and encrypting the transmitted data between the sub network and the data communication device in Yedidia in order to more efficient used of the channel and security.

***Allowable Subject Matter***

Claims 18-20 are allowed.

***Conclusion***

Art Unit: 2661

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.



Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Bob A. Phunkulh**

A handwritten signature in black ink, appearing to read 'Bob A. Phunkulh', with a horizontal line drawn underneath the signature.

TC 2600

Art Unit 2661

June 20, 2005

**BOB PHUNKULH**  
**PRIMARY EXAMINER**